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OLC 72-0941

21 August 1972

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Herb Hoffman, House Judiciary Committee Staff, re Ervin Bill Amendment to the Civil Rights Bill

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1. Today [] and I met with Herb Hoffman and reviewed our problems with the Ervin bill amendment to the Civil Rights bill. Hoffman said Senator Ervin recently testified before the House Judiciary Committee and at that time talked informally with Chairman Celler about his amendment. Ervin is reported to have said that he would agree with whatever Celler decided to do about his amendment but Hoffman is not at all sure about this. Celler has apparently indicated to Hoffman that his tentative plan is to try to talk Ervin into dropping Title II from the bill but if he is unsuccessful in this, he would report the bill to the House noting that there is "technical disagreement" with respect to Title II. The "technical disagreement" is based on the fact that Title II is not germane to the rest of the bill. Hoffman, while admittedly unfamiliar with House procedures, said he would then expect this provision would be subject of debate on the floor. This approach would satisfy Ervin's desire for an "up or down vote" on the House floor on his bill.

2. I told Hoffman that Representative Richard H. Poff (R., Va.) had recommended a letter from the Director to Chairman Emanuel Celler (D., N.Y.) mentioning our concern about certain provisions of the bill, and offering him a personal briefing. Hoffman thought this would be a good idea.

3. He also suggested that:

a. We see each of the House conferees separately and make sure they understand our problem.

b. We try to prod the White House to use its influence with the House leadership.

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c. We urge the Civil Service Commission to take a strong position following up on the excellent letter Chairman Bob Hampton had sent Chairman Celler.

d. We urge members of the House Post Office and Civil Service Committee who had been involved in the bill previously to weigh in in support of an exemption for the Agency.

e. We try to get Chairmen Hebert and Mahon to write or contact Chairman Celler directly and to speak on the floor.

4. I explained to Hoffman that we naturally would be glad to go along with the Administration's strategy of trying to knock out the Ervin bill amendment entirely, but we felt the chances of success were remote. Hoffman fully agreed. He said in that case we would have no alternative but to seek special exemption for the Agency, despite the fact that the Administration frowned on specific exemptions for individual departments. I said I would try to convince the White House that if they were either unable or unwilling to mobilize the strength necessary to defeat the Ervin amendment in toto, we would have to go it alone for a separate exemption.

STATINTL

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